

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARYLIN J. TAYLOR,

Plaintiff,

v.

HAMMOND HOUSE/COMPUS CENTER
ALLIANCE, *et al.*,

Defendants.

No. C10-1517RSL

ORDER GRANTING IN PART
DEFENDANTS' MOTION TO
DISMISS AND GRANTING LEAVE
TO AMEND COMPLAINT AND
SERVICE

This matter comes before the Court on defendants' "Motion to Dismiss Complaint Pursuant to FRCP 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B), FRCP 12(b)(4) and 12(b)(5) or, in the Alternative, for a More Definite Statement" (Dkt. # 10), plaintiff's "Motion for Leave to Ammend [sic] Service" (Dkt. # 23), and plaintiff's "Motion for Leave to Amend Complaint Fed. R. Civ. P. 15(a)" (Dkt. # 29). The motions are interrelated in that plaintiff appears to have filed her motions in response to some of the issues raised by defendants in their motion to dismiss.

Defendants have moved to dismiss plaintiff's complaint in its entirety for: (a) failure to allege facts necessary to her claims; (b) the citation of statutes, or subsections thereof, that do not exist or do not correspond to the facts alleged; (c) failure to plead fraud with particularity; and (d) insufficiency of process and service of process. In the alternative, defendants seek a more definite statement regarding plaintiff's claims. Although plaintiff did

ORDER GRANTING IN PART DEFENDANTS'
MOTION TO DISMISS AND GRANTING LEAVE
TO AMEND COMPLAINT AND SERVICE

1 not file a separate memorandum in response to defendants' motion to dismiss, she subsequently
2 moved to amend service (a motion that is unopposed by defendants) and to amend her
3 complaint. In particular, plaintiff seeks to correctly identify the organizational defendant, to
4 identify the individual defendants in their official capacities, to allege jurisdiction, to correct
5 citations to federal statutes, and to set forth the factual basis for her federal constitutional claims
6 against each defendant. Dtk. # 29 at 2-3.

7 Having reviewed the memoranda submitted by the parties and the remainder of the
8 record, the Court finds as follows:

9 (1) Defendants' motion to dismiss is DENIED and the motion for more definite
10 statement is GRANTED. Plaintiff recognizes that her original complaint is deficient in a number
11 of respects and has moved to amend. Rather than dismiss the complaint at this point, plaintiff
12 will be given an opportunity to remedy the defects identified by defendants and to set forth the
13 factual basis for her claims against each defendant. The Court urges plaintiff to take this
14 opportunity to limit her causes of action to those which are legally and factually cognizable¹ and
15 to clearly and concisely explain how each defendant violated plaintiff's legal rights. The key to
16 filing an acceptable amended complaint will be linking plaintiff's factual allegations to a
17 particular defendant and explaining how those facts support one or more of the claims asserted.

18 (2) Although plaintiff has not provided a copy of the proposed amended complaint for
19 review, her motion to amend specifies the changes she intends to make, most of which are aimed
20 at remedying deficiencies identified by defendants in their motion to dismiss. Plaintiff has
21 adequately indicated the nature of the amendment and how it will overcome the defects of her
22 current pleading. The motion to amend the complaint is GRANTED. Plaintiff shall, within
23

24 ¹ The Joint Status Report submitted by the parties on November 8, 2010, indicates that plaintiff
25 has decided to assert only a discrimination claim under 42 U.S.C. § 1983.

1 fourteen days of the date of this Order file and serve her amended complaint.

2 (3) Plaintiff's unopposed motion to amend service is GRANTED.

3
4
5 Dated this 1st day of December, 2010.

6 

7 Robert S. Lasnik

8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25